

 ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BROADCAST MUSIC, INC.,

Petitioner,

v.

NORTH AMERICAN CONCERT PROMOTERS
ASSOCIATION, as licensing representative of the
promoters listed on Exhibit A to the Petition,

Respondent.

USDC SDNY
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1:18-cv-08749 (LLS)

*Related to United States v. Broadcast
Music, Inc., 64 Civ. 3787 (LLS)*

CONSENT MOTION TO EXTEND CASE DEADLINES

Petitioner Broadcast Music, Inc. ("BMI"), Respondent North American Concert Promoters Association and its members ("NACPA"), and Respondent Live Nation Worldwide ("Live Nation") (together, the "Parties"), by and through their respective undersigned counsel, respectfully move this Court to extend each of the deadlines set forth in the Scheduling Order (ECF 59) as outlined below. In support of this request, the Parties state the following:

1. Under the existing Scheduling Order, the Parties are to complete all fact discovery, including fact depositions, by November 18, 2020. Further, a status conference is scheduled under the existing Scheduling Order for December 4, 2020.

2. Under the existing Scheduling Order, expert reports are to be exchanged by December 17, 2020, and expert rebuttal reports are to be exchanged by January 28, 2021. Expert discovery is to be completed by February 24, 2021.

3. Following the Scheduling Order, entered May 28, 2020, the Parties have engaged in discovery in good faith and have substantially completed their productions of documents, but require additional time to complete fact depositions and conduct limited additional party document discovery in view of the ongoing challenges presented by the COVID-19 pandemic.

4. The Parties therefore agree that relief from the November 18, 2020 fact discovery deadline set forth in the Scheduling Order is necessary for the Parties to conduct depositions and complete fact discovery. The Parties also agree that extending the November 18, 2020 deadline set forth in the Scheduling Order necessitates an extension of all subsequent deadlines set forth in the Scheduling Order.

5. This is the Parties' fifth request for an extension of the deadlines set forth in the existing Scheduling Order.

WHEREFORE, the Parties respectfully request that the Court extend each of the deadlines set forth in the Scheduling Order, and grant the following amended schedule:

- All party document discovery to be completed by March 5, 2021.
- All fact depositions to be completed by May 26, 2021.
- Notwithstanding the May 26, 2021 fact deposition deadline, any party witness identified as a trial witness after such date, who was not deposed during fact discovery, will be made available for deposition within a reasonable time prior to trial.
- All other fact discovery, including Interrogatories, Request for Admissions, and discovery from non-party fact witnesses, will be completed by May 26, 2021.
- A status conference is scheduled for Friday, June 4, 2021 at 12 noon - LLS
- Expert reports with all documents required to be produced pursuant to Rule 26(a)(2)(B) are to be exchanged on or before June 28, 2021.
- Expert rebuttal reports are to be exchanged on or before July 23, 2021.
- Expert discovery, including all expert depositions, will be completed on August 23, 2021.

DATED: New York, New York
November 18, 2020

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SO ORDERED

Louis L. Stanton
United States District Judge

Dated: Nov. 19, 2020